

THE MYSORE DISTRICT BOARDS BILL.

Whereas it is expedient to consolidate and amend the Law relating to District Boards and District Funds, it is hereby enacted as follows:—

CHAPTER I.—PRELIMINARY.

(1) This Regulation may be called the Mysore District Boards Regulation, 1925. Short Title.

(2) It shall extend to the whole of Mysore. Extent.

(3) It shall come into force in any District on such date as the Government may, by notification, direct. Commencement.

Provided that it shall be lawful, at any time after the passing of this Regulation, to hold an election in any District in the manner prescribed in this Regulation or the rules framed thereunder but such election shall not take effect till the commencement of this Regulation in that District.

2. On this Regulation coming into force in any District Repeal and Savings.

(a) the Mysore Local Boards and Village Panchayets Regulation, 1918, in so far as it relates to Local Boards, shall be repealed in that District and

(b) every District Board, Taluk Board, Committee or Joint Committee, constituted or appointed under the aforesaid Regulation shall cease to exist in that District;

Provided that—

(a) the said repeal shall not affect the validity of anything done or the liability of any person to pay any sum due from him under the aforesaid Mysore Local Boards and Village Panchayets Regulation, 1918;

(b) any appointment, notification, notice, order, scheme, license, permission, rule, bye-law, form, tax, fee, cess or rate, made, issued or imposed, contracts entered into and suits and other proceedings instituted under the aforesaid Mysore Local Boards and Village Panchayets Regulation, 1918, or under any enactments or rules thereby repealed, shall, so far as may be, be deemed to have been made, issued, imposed, entered into and instituted under this Regulation;

(c) the assets and liabilities of the aforesaid District and Taluk Boards in such District shall, subject to such restrictions and conditions as may be imposed by the Government, devolve on the District Board constituted under this Regulation.

3. In this Regulation— Interpretation.

(1) "District" means any local area, which for the purposes of the collection of land revenue shall have been placed, for the time being, under the charge of a Deputy Commissioner of a District or which for the purposes of this Regulation the Government may, by notification in the Official Gazette, from time to time, declare to be a District or to be attached to and to form part of a District.

(2) "Deputy Commissioner" includes the officer in charge of the Revenue Administration of a part of a District declared as aforesaid to be a District for the purposes of this Regulation.

(3) "District Board" means any Board constituted under this Regulation.

(4) "Prescribed" means prescribed by rules made under this Regulation.

CHAPTER II.—CONSTITUTION OF DISTRICT BOARDS.

4. (1) As soon as may be, after the commencement of this Regulation, the Government of His Highness the Maharaja shall, with effect from such date as it may appoint, establish by notification in the Official Gazette, for each District, a District Board having authority over the entire District, provided that such portions of the District as are included in a Municipality or are under the authority of a Sanitary Board constituted under the Mysore Mines Regulation, 1906, shall be excluded from the jurisdiction of the District Board. Establishment and Incorporation of District Boards.

(2) Every District Board shall be a body corporate by the name of the District Board of the District for which it shall

have been established shall have perpetual succession and a common seal and may sue and be sued in its corporate name.

Constitution
of District
Boards.

5. (1) Every District Board shall consist of—

(a) elected members, (b) such persons, if any, as the Government from time to time appoints by name, who shall be called "nominated members," and (c) *ex-officio* members, if any, as the Government may appoint under sub-section (2).

(2) Any Officer of the Government may be appointed by the Government by his official designation only to be *ex-officio* a member of the Board. The holder of the office for the time being and all persons succeeding thereto shall then be members of the Board in succession provided that the combined term of office of such persons as members of the Board shall be limited to the term prescribed in Section 24.

(3) The number of elected members shall be not less than two-thirds of the whole Board, and the number of the salaried servants of the Government shall not exceed one half of the remaining strength.

Government
may deter-
mine the
strength of
the District
Board and
the number
of members
to be elected
or appointed
as *ex-officio*
or by
nomination.
Elected
members of
District
Boards by
whom to be
elected.

6. The Government shall, from time to time, generally for each or specially for any particular District Board fix—

(a) the total number of members.

(b) subject to the provisions of the last preceding section,

(i) the number of members, who shall be elected, and

(ii) the number of members, if any, who shall be appointed *ex-officio* or by nomination

and may alter any number so fixed.

7. The elected members of District Boards shall be elected by general and special constituencies and the number and extent of such constituencies and the members to be elected by each constituency shall be regulated by the rules or orders of the Government notified in this behalf.

Deputy
Commissioner
to keep lists of
voters.

8. (1) The Deputy Commissioner shall keep a list for each constituency of the District Board within his District of the persons qualified to vote in such constituency at elections of members of the District Board.

Date for
preparation
of lists.

(2) Such list shall be prepared by the Deputy Commissioner whenever a date has been fixed for any election of persons to fill the places of persons whose term of office has expired or whenever the Government so directs, and shall be based upon such information as shall be available in the records of the Deputy Commissioner and of the officers subordinate to him.

Revision and
publication
of lists.

(3) The list prepared under sub-section (2) shall be revised and published in accordance with such rules as may be prescribed by the Government.

Lists conclu-
sive evidence
of right to be
elected or to
vote.

(4) No person whose name is not in the revised list last published before the date of any election shall be qualified to be elected or to vote at the election of a member for the constituency for which such list has been prepared.

What persons
may be voters
at elections.

9. Every person who is not less than 21 years of age and who is not subject to any disqualification specified in section 10 or any other provision of this Regulation or the rules thereunder shall be entitled to have his name entered in the list for a constituency prescribed under Section 7, qualifying him to vote at elections of members of District Boards in such constituency, if he,

(a) in the case of a special constituency possesses the qualifications prescribed by the Government in this behalf,

(b) in the case of a general constituency possesses one or more of the qualifications described in schedule I and is also a subject of His Highness the Maharaja by birth or domicile and has resided in the Mysore State or in the Civil and Military Station, Bangalore, for six months prior to the date fixed for the preparation of the electoral list.

Explanation.—"Subject of His Highness the Maharaja, by domicile" means one who resided in the Mysore State or in the

Civil and Military Station, Bangalore, for a period of not less than five years.

10. No person may vote who—

- (a) has been sentenced by a Criminal Court to imprisonment or whipping for an offence punishable with imprisonment for a term exceeding six months, or to transportation, such sentence not having been subsequently reversed or quashed; or
- (b) is a person against whom an order has been passed under Section 180 of the Code of Criminal Procedure, 1901, in proceedings instituted under Section 110 of that Code, such order not having been subsequently reversed or quashed; or
- (c) has been dismissed from Municipal, District Board or Government service; or
- (d) was a legal practitioner whose Sannad has been permanently withdrawn by a competent court; or
- (e) has been removed from office under Section 27; or
- (f) is a legal practitioner whose sannad has been suspended by a final order of a competent court during the period of such suspension; or
- (g) is of unsound mind; or
- (h) is an undischarged insolvent;

General
disqualifica-
tion of voters.

Provided that—

the disqualifications in clauses (a), (b), (c), (d) and (e) will cease to operate after expiry of ten years from the date of such sentence, order, dismissal, withdrawal, or removal or earlier by an order of Government.

11. Any person whose name is entered in the list prepared under Section 8 for a constituency and who is not a female, or

a salaried officer or servant of the District Board or the Government, and

who has not directly or indirectly, by himself or his partner any share or interest in any work done by order of a District Board or in any contract or employment with or under or by or on behalf of District Board,

may be a candidate at any election in such constituency:

Provided that

(i) no person shall be disqualified by reason only of such person

- (a) having a share in any joint stock company or a share or interest in any society registered or deemed to be registered under the Mysore Co-operative Societies Regulation, 1918, which shall contract with or be employed by or on behalf of the District Board; or
- (b) having a share or interest in any newspaper in which any advertisement relating to the affairs of the District Board may be inserted; or
- (c) holding a debenture or being otherwise concerned in any loan raised by or on behalf of the District Board; or
- (d) being professionally engaged on behalf of the District Board as a legal practitioner;

(ii) a person who is already a member of a District Board shall not be entitled to be a candidate at a bye-election held before the expiry of his term of office as member of such District Board.

12. (1) If any person is elected or appointed to a District Board and is subject to any of the disqualifications specified in this section, his seat shall be deemed to be vacant and the vacancy shall be filled up, as soon as conveniently may be, by the election or appointment, as the case may be, of a person thereto, who shall hold office so long only as the person in whose place he is elected or appointed would have held it if he had been eligible to be a member of the Board.

Qualifications
necessary for
election to
District
Boards.

Vacation of
seats and
re-eligibility
of members.

(2) If any question, dispute or doubt arises whether a vacancy has occurred under this section, the orders of the Government shall be final for the purpose of deciding such question dispute or doubt.

(3) A person who has already been elected or appointed a member of a District Board on one or more occasions shall, if otherwise duly qualified, be, subject to the proviso to section 11, eligible for re-election or re-appointment.

Elections
when to be
held and pro-
visions for
elections or
nomination
in particular
cases.

13. (1) Subject to such rules as may be prescribed in this behalf, every election requisite for the purposes of this Regulation shall be held on such dates as the Deputy Commissioner shall fix in this behalf.

(2) Where there is no duly qualified candidate, the Deputy Commissioner shall report the matter to Government with proposals for nominating the required number of members and, where the number of duly qualified candidates is less than the number of members required to be elected, the Deputy Commissioner shall declare all such candidates to be elected and shall report the fact to the Government with proposals for nominating the remaining number of members.

(3) When the number of duly qualified candidates is equal to the number of members required to be elected, the Deputy Commissioner shall declare all such candidates to be elected.

(4) If at any election of a member of a District Board under this Regulation, there is an equal number of votes in favour of each of two or more persons who are willing to take office, and the addition of one vote will entitle any of the persons to be elected, the determination of the person or persons to whom one additional vote shall be deemed to have been given shall be made by the Deputy Commissioner or by such officer as he may empower in this behalf, by lot in such manner as he shall deem fit.

(5) If any person duly elected at any such election declines to take office, the person, if any, amongst the unsuccessful candidates in whose favour the highest number of votes has been recorded and who is willing to take office shall be deemed to be the member elected.

(6) In cases falling under sub-section (2) and when at any contested election no votes are recorded, or for any reason an election does not result in the return of the required number of qualified persons willing to take office, the Government shall appoint the required number of persons, being persons who would have been qualified to be elected and persons so appointed shall be deemed to be members of the District Board as if they had been duly elected.

Determina-
tion of validi-
ty of elections;
enquiry by
Judge; proce-
dure.

14. (1) Any person qualified to vote at an election may, at any time within fifteen days after the date of the declaration of the result of an election or the date of an order or proceeding, apply to the District Judge of the District within which the election has been or should have been held, for the determination of the validity of the election or the legality of the order or proceeding in question.

(2) An enquiry shall thereupon be held by the District Judge who may, after such enquiry as he deems necessary, pass an order confirming or amending the declared result of the election or the order of the Deputy Commissioner or some other officer empowered in this behalf under section 18 or setting the election aside. For the purposes of the said enquiry, the said Judge may exercise any of the powers of a civil court. He may also award costs in such manner as he may deem fit and such costs shall be recoverable as if they had been awarded in a suit under the Code of Civil Procedure and his decision shall be conclusive. If he sets aside an election, a date shall forthwith be fixed, and the necessary steps will be taken for holding a fresh one.

(3) (a) If on holding such enquiry the Judge finds that a candidate has for the purpose of the election committed a corrupt practice within the meaning of sub-section (4), he shall declare

the candidate disqualified both for the purpose of that election and of such fresh election as may be held under sub-section (2) and shall set aside the election of such candidate if he has been elected.

(b) If, in any case to which clause (a) does not apply, the validity of an election is in dispute between two or more candidates, the Judge shall, after a scrutiny and computation of the votes recorded in favour of each such candidate, declare the candidate who is found to have the greatest number of valid votes in his favour to have been duly elected:

Provided that for the purpose of such computation no vote shall be reckoned as valid if the Judge finds that it was given by an unqualified person or any corrupt practice was committed by any person, known or unknown, in giving or obtaining it.

(4) A person shall be deemed to have committed a corrupt practice—

(a) who, with a view to inducing any voter to give or to refrain from giving a vote in favour of any candidate, offers or gives any money or valuable consideration, or holds out any promise of individual profit or holds out any threat of injury to any person, or

(b) who gives, procures, or abets, the giving of a vote in the name of a voter who is not the person giving such vote;

And a corrupt practice shall be deemed to have been committed by a candidate, if it has been committed with his knowledge and consent, or by a person who is acting under the general or special authority of such candidate with reference to the election.

Explanation. The expression "a promise of individual profit," includes a promise for the benefit of the person himself or any person in whom he is interested, but does not include a promise to vote for or against any particular measure which may come before a District Board for consideration.

(5) If the validity of the election is brought in question only on the ground of an error made by the officer charged with carrying out the rules made in this behalf or of an irregularity or informality not corruptly caused, the Judge shall not set aside the election.

(6) If the Judge sets aside an election under clause (a) of sub-section (3), he may, if he thinks fit, declare any person by whom any corrupt practice has been committed within the meaning of this section to be disqualified from being a member of any District Board for a term of years not exceeding five and the decision of the judge shall be conclusive:

Provided that such person may, by an order of the Government in that behalf, be at any time relieved from such disqualification:

Provided further that no such declaration shall be made in respect of any person without such person being given an opportunity to show cause why such declaration shall not be made.

15. Any person who has been disqualified from being a member under the last, preceding section, shall, for the period for which the disqualification is to last, be disqualified from voting at any election to a District Board.

Voter disqualified for corrupt practices.

16. The names of all members finally elected to any District Board, as well as the names of the nominated members and the official designations of the *ex-officio* members, if any, appointed thereto shall be published, as soon as conveniently may be, in the Official Gazette.

Publication of names of members in the Official Gazette.

17. (1) Every District Board shall be presided over by a President, who shall be selected from among the members and for this purpose may be either—

President.

(a) appointed by the Government by name; or

(b) appointed by the Government *ex-officio*, that is to say, as executing the functions of any office which the Government from time to time notifies in this behalf; or

(c) if the Government so directs, elected by the District Board.

Effect of notification of *ex-officio* President.

(2) When an office has been notified under clause (b) of sub-section (1), the person from time to time executing the functions of that office shall be and shall continue to be President, unless and until such notification is altered or rescinded by the Government, or until his term as member expires.

Deputy Commissioner to be President in certain cases.

(3) During the period intervening the expiry of the term of a President on the reconstitution of a District Board and the election or nomination, as the case may be, of another President, the Deputy Commissioner shall, notwithstanding anything contained in this Regulation or in the rules or notifications issued thereunder, take the place of the President and be an additional member, if he is not already a member, of the District Board, until such elected or nominated President enters on his duties.

Vice-Presidents.

(4) If and whenever the Government so directs, there shall be a Vice-President for a District Board elected by the members from among their own number.

Presidents and Vice-Presidents to be nominated in default of election.

18. (1) The election of the President or the Vice-President shall be made subject to the rules prescribed in this behalf and if any District Board fails to elect the President or the Vice-President in accordance with such rules, the Government may appoint a President or Vice-President as the case may be.

Elected Presidents and Vice-Presidents not to be salaried servants of the Government.

(2) A salaried servant of the Government shall not be elected President or Vice-President of a District Board and the election of such servant as such shall be void.

Presidents and Vice-Presidents to reside at District Headquarters. Functions of Presidents.

(3) Every President other than an *ex-officio* President and every Vice-President of a District Board shall reside at the District Headquarters of the District for which the Board has been established.

19. The President of a District Board shall—

(a) preside at the meetings of the Board;

(b) watch over the financial and executive administration of the Board and submit to the Board all questions connected therewith which shall appear to him to require its orders;

(c) exercise supervision and control over the acts and proceedings of all officers and servants of the Board in matters of executive administration, and in matters concerning the accounts and records of the Board; and subject to the rules at the time in force, dispose of all questions relating to the service of the said officers and servants, and their pay, privileges and allowances; and

(d) furnish to the Deputy Commissioner a copy of every resolution passed at every meeting of the Board and any extract from the minutes of the proceedings of the Board or other document or thing which the Government or the Deputy Commissioner may from time to time call for under Sections 92 and 93.

Emergency powers of President.

20. The President of a District Board may in cases of emergency direct the execution or stoppage of any work or the doing of any act which requires the sanction of the Board and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public, and may direct that the expense of executing such work or doing such act shall be paid from the District Fund:

Provided that—

(a) he shall not act under this section in contravention of any order of the Board prohibiting the execution of any particular work or the doing of any particular act, and

(b) he shall report forthwith the action taken under this section and the reasons therefor to the Standing Committee at its next meeting.

21. The Vice-President of a District Board shall —
 (a) in the absence of the President preside at the meetings of the Board;
 (b) exercise such of the powers and perform such of the duties of the President as the President may, from time to time, depute to him; and
 (c) save as provided in Section 17 exercise the powers and perform the duties of the President pending the succession, appointment or election of a President, or during the absence of the President on leave.

Functions of
Vice-President.

22. (1) Except in the case of a salaried servant of the Government who is either an appointed or an *ex-officio* President, every President and Vice-President who, for a period exceeding three months, shall absent himself from the District in such manner as to be unable to perform his duties as such President or Vice-President, shall cease to be President or Vice-President, as the case may be, unless leave so to absent himself has been granted—

Consequence
of absence of
President or
Vice-President
without leave.

(a) by the Government in the case of a President appointed under Clause (a) of Sub-section (1) of Section 17.

(b) by the Board in the case of an elected President or Vice-President.

(2) Leave under sub-section (1) shall not be granted for a period exceeding six months, and whenever leave is granted to a President or Vice-President under that sub-section, the Board shall elect one of its members to exercise all the powers and perform all the duties of a Vice-President in lieu of the Vice-President, if any, who is exercising the powers and performing the duties of the President or who is absent on leave, during the period for which such leave is granted. If there is no Vice-President for the Board or if the Vice-President is also on leave when leave is granted to a President, the Board shall elect one of the members to perform the duties of the President on leave.

Limit to the
grant of leave
and arrange-
ments pending
absence
of President
or Vice-President.

23. (1) The term of office of every President or Vice-President shall cease on the expiry of his term of office as a member of the District Board over which he presides;

Term of
Office of President
and
Vice-President
and
their liability
to be removed.

Provided that he shall be removable from office as such President or Vice-President by the Government for misconduct or neglect of or incapacity to perform his duty or in the case of an elected or nominated President or Vice-President for not commanding the confidence of the Board to be evidenced by a resolution of the District Board in favour of which not less than two-thirds of the whole number of members of such Board have given their votes at a meeting specially convened for the purpose.

(2) In the event of the death, resignation, or removal from office of a President or Vice-President or of his becoming incapable of acting, or ceasing to be a member of the District Board, previous to the expiry of his term of office, the vacancy shall be filled up as soon as conveniently may be by the election or appointment of some other member of the Board thereto.

Casual vacancies in their office how to be filled up.

24. Except as is otherwise provided in this Regulation, members of District Boards shall hold office for a term of three years, extensible by order of the Government to a term not exceeding in the aggregate four years if on any occasion the Government shall think fit, for reasons which shall be notified together with the order, in the Official Gazette, so to extend the same.

Term of
office.

25. The Vice-President or any member of a District Board other than the President, may resign his office as a member of the Board by giving notice in writing to the President. The President may resign his office as a member of the Board by giving notice in writing to the Government.

Resignation
of office as
member of
Board.

26. (1) Any member of a District Board who, during the term for which he has been elected or appointed,

Disqualifica-
tion of mem-
ber after
election.

(a) becomes disqualified under section 10, or

(b) having any share or interest such as is described in clause (a) or (b) of proviso (1) to section 11,

acts as a member of the District Board in any matter relating to a contract or agreement between the Board and the company or society or the manager or publisher of the newspaper described in the said clauses, or

- (e) is absent for more than four consecutive months from the District for which the Board is established, unless leave so to absent himself, which shall not exceed six months, has been granted by the Board, or absents himself for six consecutive months from meetings of the Board without the leave of the Board, shall cease to be a member and his office shall become vacant.

(2) If any question, dispute or doubt arises whether a vacancy has occurred under this section, the orders of the Government shall be final for the purpose of deciding such question, dispute or doubt.

Removal of members for misconduct, etc.

27. The Government may, if it thinks fit, on the recommendation of a District Board, remove any member of such Board, elected or appointed under this Regulation, after giving him an opportunity of being heard and after such enquiry as the Government deems necessary, if such member has been guilty of misconduct in the discharge of his duties, or of any disgraceful conduct, or has become incapable of performing his duties as a member of the Board, or has refused to act as a member.

Vacancies to whom to be communicated.

28. (1) On the occurrence of any vacancy in a District Board, the President shall forthwith communicate such occurrence to the Deputy Commissioner.

Casual vacancies how to be filled up.

(2) In the event of a vacancy occurring on account of death, resignation, disqualification or removal of a member of a District Board previous to the expiry of his term of office, the vacancy shall be filled up, as soon as conveniently may be, by the election or appointment, as the case may be, of a person thereto, who shall hold office so long only as the member in whose place he is elected or appointed would have held it if the vacancy had not occurred.

Deputy Commissioner to submit proposals to Government when a vacancy is to be filled up by nomination.

(3) If the member of such Board whose seat has become vacant was a nominated member, the Deputy Commissioner shall submit to Government the name of a suitable person for nomination in the vacancy.

CHAPTER III.

CONDUCT OF BUSINESS OF DISTRICT BOARDS.

Meetings of District Boards.

29. (1) A District Board shall meet for the transaction of business generally at District Headquarters and occasionally at other places with the permission of the Government, once in every three months and shall, subject to the provisions of the following sub-sections, make, from time to time, rules not inconsistent with this Regulation and with any rules or orders made by the Government in this behalf, with respect to the appointment, powers and proceedings of Committees and the day, hour, notice, management and adjournment of meetings of itself or its Committees and generally with respect to the transaction of business thereat, as it thinks fit.

(2) (a) The date of the first meeting of the Board after reconstitution shall be fixed by the Deputy Commissioner and the dates of the subsequent quarterly meetings shall be fixed at the previous meeting of the Board; but the President may, whenever he thinks fit, and shall, upon the written request of not less than one-fourth of the members and for a date within twenty-one days from the receipt of such request, call a special meeting. When the President and Vice-President are unable